

REMARKS

The Office Action rejected Claims 1-12 as being obvious over Grady and rejected Claims 13 and 14 as obvious over Grady in view of College Edge.

The Office Action suggested that Claims 1-12 are unpatentable over Grady. Applicant submits that the Office Action has improperly attributed teachings to Grady that are not in evidence and has improperly ignored claim limitations.

Grady is a discussion of the association between sending GMAT scores to an institution and the probability of a student matriculating at that institution. Grady goes on to state that management schools seeking to increase the number, quality and diversity of students need information about the pool of potential applicants, and that one important source of information about the size and nature of this pool is the GMAT score report sent to specific graduate management schools at the request of the registrants. Grady recognizes that the report includes the registrant's GMAT score, their undergraduate academic record and the registrant's background characteristics.

Grady suggests that this information is useful to a recipient school in assessing the attributes of its applicants, enabling the school to target those registrants who are well qualified and who meet the institutions particular enrollment goals. It appears that the Office Action's basis for rendering the current claims unpatentable derives solely from Grady's observation.

Claim 1 recites:

A method for profiling an inquiry pool of candidates interested in attending an identified institution of higher learning preliminarily to providing candidates from the pool with an application for enrollment, the method comprising the steps of:

(a) providing a data base including information related to candidates for enrollment at an identified institution and the

preferences of the identified institution for students with predetermined characteristics;

(b) electronically evaluating the candidates in the data base against a first predetermined profile including:

(i) **information as to the candidate's high school class year, a prior visit of the candidate to the institution, and a source of the information about the candidate's initial contact with the institution in the data base, and**

(ii) the preferences of the institution,

to thereby select candidates for further contact; and

(c) providing a report of the electronic evaluation. (emphasis added).

The Office Action, while acknowledging Claim 1 limitations are not found in Grady, dismisses the limitations, particularly, "a prior visit of the candidate to the institution and a source of the information about the candidates initial contact the institution in the data base."

The Office Action states that "these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited and the candidate recruiting method would be performed regardless of the information included in the candidate profile."

However, it is in the very term used by the Office Action that the error in dismissing the limitations is found.

The Office Action states "candidate recruiting method." The present claims are not directed to candidate recruiting but rather to a method for profiling an inquiry pool of candidate interested in attending an identified institution. The elements cited in Grady are GMAT scores, Academic record and demographic information. None of these reflect a registrant's interest in an identified institution, but rather reflect the registrants qualifications as Grady has acknowledged. Grady further questions whether even sending a GMAT report is a sign of interest and does not render score, record or demography as functions influence candidate interest.

Therefore, profiling a candidate's interest, through a profile that includes parameters relating to the candidate's interest (their contact with the institution and the type of contact) and the preferences of the institution, cannot be considered functionally unnecessary and cannot be merely dismissed by the Office Action.

The Office Action also acknowledges that Grady does not provide a report of the electronic evaluation. However, the Office Action dismisses the limitation based on the fact that electronic databases are known to evaluate and develop report information. However, the patentability of the current claims are not reliant on an electronic evaluation or a report of the electronic evaluation. The Office Action has not shown a prior art reference that "evaluates" the candidates in the database against a profile including information directed to the candidate's interest and the preferences of the institution and then reporting this "evaluation." The Office Action appears to simply discount this step because of the adjective "electronic." The Office Action goes to great length to recite that automating a manual practice is not patentable but has failed to even show prior art teaching the manual step. Prior art showing reporting an electronic "generic" evaluation can not provide a teaching for the evaluation as described and therefore generating a "generic" electronic evaluation does not render the claim unpatentable absent a showing of generating a report of the specified evaluation.

Grady fails to disclose, teach or suggest the limitations of Claim 1 and therefore the rejection is improper. Likewise the rejections of Claims 2-5 which depend from Claim 1 are improper irrespective of the additional patentable features contained therein. Applicant requests withdrawal of the rejection and allowance of Claims 1-5.

Claims 6 recites:

A method for evaluating the interest of candidates in attending an identified institution of higher learning preliminarily to

providing the candidates with an application for enrollment, the method comprising the steps of:

- (a) providing a data base including information related to candidates for enrollment at an identified institution;
- (b) electronically evaluating the candidates in the data base against a first predetermined profile; and
- (c) providing a report of the electronic **evaluation of the candidate's interest**.(emphasis added)

Again the Office Action has confused a method of evaluating a candidate's interest with a method of evaluating a candidate's qualifications. Nowhere in Grady is there a suggestion of a method for evaluating the interest of candidates in attending an identified institution. Grady only provides a teaching for using GMAT reporting to "enable the school to target those registrants who are well qualified and who meet the institution's particular enrollment goals." Grady, as discussed above, does not describe or teach a "method for evaluating the interest of candidates in attending and identified institution" as recited in the claims and does not teach providing a report evaluating the candidate's interest.

Grady fails to disclose, teach or suggest the limitations of Claim 6 and therefore the rejection is improper. Likewise the rejection of Claims 7 and 8 which depend from Claim 6 are improper irrespective of the additional patentable features contained therein. Applicant requests withdrawal of the rejection and allowance of Claims 6-8.

Claim 9 recites:

A method for evaluating the continued interest of candidates in attending an identified institution of higher learning preliminarily to providing the candidates with an application for enrollment, the method comprising the steps of:

- (a) providing a data base including information related to candidates for enrollment at an identified institution and the preferences of the institution for students with predetermined characteristics;
- (b) electronically evaluating the candidates in the data base against a first predetermined profile including:
 - (i) information relating to the candidate's high school class year, a the prior visit of the candidate to the institution, and a the source of the information about the candidate's initial contact with the institution in the data base, and
 - (ii) the preferences of the institution, to thereby select candidates for further contact;
- (c) electronically requesting predetermined information from the selected candidates;
- (d) entering the electronic responses to the electronic request for information into the data base;
- (e) electronically **reevaluating the selected candidates in the data base against a second predetermined profile** to thereby evaluate the interest of the selected candidates in attending the institution; and
- (f) providing a report of the electronic reevaluation.

Grady also makes no disclosure or teaching of reevaluating the selected candidates in the database against a second predetermined profile. In fact, the Office Action does not even address this limitation in the rejection. For these and the reasons cited with respect to Claims 1 and 6, the rejection of Claim 9 is improper.

Grady fails to disclose, teach or suggest the limitation of Claim 9 and therefore the rejection is improper. Likewise the rejection of Claims 10-12 which depend from Claim 9 are improper irrespective of the additional patentable features contained therein. Applicant requests withdrawal of the rejection and allowance of Claims 9-12.

The Office Action suggest that Claims 13 and 14 are unpatentable over Grady in view of College Edge. Applicant submits the use of Grady in the rejection is improper, as described above, and that College Edge does not obviate the deficiencies of Grady.

Claim 13 recites:

A method for evaluating the continued interest of candidates in attending an identified institution of higher learning preliminarily to providing the candidates with an application for enrollment, the method comprising the steps of:

- (a) providing a data base including information related to candidates interested in enrollment at the identified institution and the preferences of the institution for students with predetermined characteristics;
- (b) electronically evaluating the candidates in the data base against a first predetermined profile;
- (c) providing a web page for the institution, the web page housing a survey requesting predetermined information related to the continued interest of candidates in enrolling at the institution;
- (d) sending an e-mail to the selected candidates directing them to the institutions web page;
- (e) electronically reevaluating the selected candidates in the data base against a second predetermined profile to thereby gauge the continued interest of the selected candidates in attending the institution; and
- (f) providing a report of the electronic reevaluation.

As noted above, Grady does not teach or provide a method for evaluating the “continued interest of candidates in attending an identified institution.” Grady states that this information is useful to a recipient school in assessing the attributes of its applicants, enabling the school to target those registrants who are well qualified and who meet the institutions particular enrollment goals.

Grady also does not disclose “reevaluating the selected candidates in the database against a second predetermined profile to thereby gage the continued interest of the selected candidates in attending the institution as cited in the claim.”

College Edge fails to obviate these deficiencies in Grady. The Office Action only uses College Edge to teach a candidate filling out an initial profile survey, Universities selecting matching profiles, and sending the candidate an electronic message with additional information about the school and its programs.

Grady and College Edge alone or in combination do not disclose all the features of Claim 13 and thus the rejection is improper. Likewise the rejection of Claim 14, which depends from Claim 13 is also improper, irrespective of any additional patentable features contained therein. The Applicant requests withdrawal of the rejections of Claims 13 and 14.

CONCLUSION

All the current rejections stem from a misinterpretation of Grady to teach a method of profiling candidates’ interest in an institution. The same misinterpretation was discussed during the Examiner’s interview in which the Examiner’s SPE recognized the difference between judging qualification and judging interest and withdrew the previous rejections. The present claims are directed to profiling a candidate’s interest in the institution.

In view of the above arguments, the Applicant requests Applicant requests the withdrawal of the rejection of Claims 1-14 and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark C. Comtois', written over a horizontal line.

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Dated: December 3, 2004